IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 13TH SEPTEMBER 2007 / 22ND BHADRA 1929

WP(C).No. 27317 of 2007(B)

OS.64/2004 of MUNSIFF COURT,MUVATTUPUZHA

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PETITIONER:

BABY, S/O. LATE PAULOSE,
MANGALATH HOUSE, KARIMATTAMKARA,
ENANALLOOR VILLAGE, MUVATTUPUZHA.

BY ADV. SRI.BINDU (SASTHAMANGALAM)

RESPONDENTS:

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1. **VARKEY,**
   MANGALATH HOUSE, KARIMATTAMKARA,
   ENANALLOOR VILLAGE, MUVATTUPUZHA.

2. **MARY,**
   MANGALATH HOUSE, KARIMATTAMKARA,
   ENANALLOOR VILLAGE, MUVATTUPUZHA.

3. **BINOY,**
   MANGALATH HOUSE, KARIMATTAMKARA,
   ENANALLOOR VILLAGE, MUVATTUPUZHA.

4. **BIJU,**
   MANGALATH HOUSE, KARIMATTAMKARA,
   ENANALLOOR VILLAGE, MUVATTUPUZHA.

5. **PAILY,**
   MANGALATH HOUSE, KARIMATTAMKARA,
   ENANALLOOR VILLAGE, MUVATTUPUZHA.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

M.N.KRISHNAN, J

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W.P.(C) No.27317 OF 2007

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Dated this the 13th day of September 2007

JUDGMENT

This writ petition is filed for a direction to the Munsiff's Court, Muvattupuzha to implement Ext.P1 order as prayed for in Ext.P3 petition before commencement of the trial of the suit. As per Ext.P1 order, the trial court gave certain directions to be complied with by the defendants in the suit. The matter was taken up before the appellate court and later before this court and both the courts confirmed the order and this court also directed the learned Munsiff to dispose of the matter, as expeditiously as possible, within 3 months. Thereafter it is seen that the petitioner moved Ext.P3 application for implementation of Ext.P1 order. Now the grievance of the petitioner is that the matter has been included in the list and therefore the implementation of Ext.P1 order may get protracted which will go to the root of the matter because the person, who had violated the order of the court will simply walk of without complying with the orders of the court. When an order of a court is to be implemented, the spirit behind the order has to be taken by the court and implemented in accordance with law. Just because

the suit is listed one cannot hold that the court will not implement the order passed by it. At the same time the court shall not unnecessarily postpone the implementation of Ext.P1 order just because the suit is listed.

Therefore, it is the duty of the court to implement the order and in cases where the parties have to be put into possession as on the date of suit, it is the duty of the court to do the same. So irrespective of the factum of including the matter in the list, I direct the court below to consider Ext.P3 application as early as possible and pass appropriate orders. The court shall not post Ext.P3 application along with the trial of the suit and wait for a decision in the suit to implement Ext.P3.

Writ petition is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-